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PAGE 01            STATE    234513   302319Z  
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FM SECSTATE WASHDC  
TO AMEMBASSY VIENNA IMMEDIATE  
AMEMBASSY CHISINAU

S E C R E T   STATE 234513

E.O. 12356:   DECL:OADR

TAGS:   PREL

SUBJECT:   USUN/W UP-DATE, AUGUST 30, 1994

OFFICIAL-INFORMAL FOR AMBASSADOR ALBRIGHT FROM DAVID  
SCHEFFER USUN/W

{1}   A STRINGER FOR THE NATIONAL LAW JOURNAL CALLED ME  
LAST WEEK FOR BACKGROUND ON THE WAR CRIMES TRIBUNAL,  
WHICH I PROVIDED HER.   SHE ASKED IF SHE COULD INTERVIEW  
YOU, AND SINCE YOU WERE ABOUT TO DEPART FOR EUROPE, I  
DISCOURAGED THE IDEA.   SHE ASKED IF SHE COULD SUBMIT  
WRITTEN QUESTIONS, AND I AGREED.   THEY APPEAR BELOW WITH  
MY SUGGESTED RESPONSES FROM YOU.   {THE ANSWER TO Q. 4 IS  
LENGTHY BECAUSE SHE SEEMS TO REFUSE TO UNDERSTAND THAT  
OUR CONTRIBUTION HAS BEEN SIGNIFICANT.}   PLEASE REVIEW  
WITH RUBIN AND LET ME KNOW IF I HAVE AUTHORITY TO SUBMIT  
SECRET

PAGE 02            STATE    234513   302319Z  
THESE TO HER.   THE STRINGER, BARBARA FRANKLIN, HAS A  
DEADLINE OF THIS FRIDAY TO FILE HER STORY WITH THE  
JOURNAL FOR PUBLICATION WITHIN TWO WEEKS.   {THE JOURNAL  
APPEARS TO HAVE AGREED TO PUBLISH THE ARTICLE.}

Q.   HOW IS PEACE TO BE ACHIEVED IN BOSNIA WHEN THE  
PEOPLE WHO ARE NEEDED TO SIGN A PEACE AGREEMENT ARE

SUBJECT TO CRIMINAL INDICTMENT AT THE TRIBUNAL?

A.   THE PROSECUTION OF WAR CRIMES IS A CRITICAL ELEMENT  
IN RE-ESTABLISHING PEACE IN BOSNIA.   THE TRIBUNAL WILL  
IDENTIFY INDIVIDUAL CULPABILITY AND THUS DETER EFFORTS  
TO CREATE GROUP LIABILITY FOR THE ACTIONS OF

UNCLASSIFIED

UNCLASSIFIED

INDIVIDUALS. I HAVE SAID ALL ALONG THAT THERE ARE TWO CHANNELS--ONE IS WAR CRIMES INVESTIGATIONS, AND THE OTHER IS THE PEACE PROCESS. I AM NOT AWARE OF AMNESTY FOR ANY INDIVIDUALS HAVING BEEN RAISED IN THE PEACE TALKS, EITHER UNDER UN AUSPICES OR IN RECENT CONTACT GROUP TALKS. I SUSPECT MANY LEADERS BELIEVE THEY HAVE DONE NOTHING WRONG AND SEE THE TRIBUNAL AS A MEANS TO BRING TO JUSTICE POLITICAL RIVALS WHO HAVE COMMITTED WAR CRIMES.

Q. HOW CAN THE SUBORDINATES BE PROSECUTED WHEN THEIR LEADERS ARE NEEDED TO NEGOTIATE PEACE?

A. WE KNOW OF NO EFFORT MADE IN THE PEACE TALKS TO BLOCK ANY PROSECUTIONS. THE LEADERS HAVE CONTINUED TO ENGAGE IN THE TALKS WHEN THEY HAVE BEEN HELD. SOME LEADERS MAY SEE AN ADVANTAGE IN PROSECUTIONS OF SOME

SECRET

PAGE 03            STATE    234513   302319Z  
SUBORDINATES PROCEEDING.

Q. WHAT IS YOUR POSITION ON AMNESTY FOR MR. KARADZIC, PRESIDENT MILOSEVIC AND OTHERS INVOLVED IN THE PEACE PROCESS?

A. I HAVE SAID REPEATEDLY THAT THIS ADMINISTRATION WOULD NOT APPROVE AN EFFORT TO PLACE PEOPLE, REGARDLESS OF THEIR GOVERNMENTAL POSITION, OFF LIMITS TO THE TRIBUNAL. ONLY A DECISION OF THE UN SECURITY COUNCIL REQUIRING OUR APPROVAL COULD LIMIT THE TRIBUNAL'S JURISDICTION. JUDGE GOLDSTONE IS KNOWN AS SOMEONE WHO WILL BUCK ANY AMOUNT OF POLITICAL PRESSURE TO FOLLOW THE EVIDENCE WHEREVER IT LEADS. HE HAS THE AUTHORITY TO EXAMINE EVIDENCE PERTAINING TO, AND TO SEEK AN INDICTMENT AGAINST, ANY INDIVIDUAL WHOM HE DETERMINES HAS COMMITTED A CRIME FALLING WITHIN THE JURISDICTION OF THE TRIBUNAL.

Q. THE TRIBUNAL'S BUDGET IS PERCEIVED BY MANY AS INADEQUATE. TO WHAT EXTENT ARE YOU TRYING TO BACK UP YOUR COMMITMENT WITH MONEY?

A. THE UN FINANCE COMMITTEES RIGOROUSLY REVIEWED THE TRIBUNAL'S BUDGET FOR 1994 AND ARRIVED AT A FIGURE OF \$11.5 MILLION FOR THE CALENDAR YEAR. THE TRIBUNAL ONLY BEGAN TO FUNCTION THIS YEAR AND THE FINANCE COMMITTEES NECESSARILY WORKED WITH ESTIMATES. THEY FOCUSED ON

UNCLASSIFIED

START-UP COSTS, KNOWING THAT THEY WOULD RAISE ANOTHER  
BUDGET IN FOUR MONTHS (I.E., THIS FALL).

SECRET

PAGE 04 STATE 234513 302319Z

THE TRIBUNAL'S 1994 BUDGET IS \$11.5 MILLION, PLUS  
VOLUNTARY CONTRIBUTIONS OF OVER \$4 MILLION.

THE PROSECUTOR IS STARTING WITH SOME HIGH-PRIORITY  
INVESTIGATIONS, WITH THE STAFF HE NOW HAS. HE WILL BE  
SUBMITTING BUDGET REQUIREMENTS TO THE UNITED NATIONS  
SOON, AND THOSE NUMBERS WILL REFLECT HIS JUDGMENT OF  
WHAT IS REQUIRED THROUGH 1995. LET'S WAIT TO SEE WHAT  
JUDGE GOLDSTONE'S ESTIMATES ARE AND SEE IF WE CAN MEET  
THEM WITHIN THE UN'S REGULAR BUDGET. IF THERE'S A  
SHORTFALL AT THE END OF THE DAY, WE KNOW WE HAVE GOT TO  
KEEP PUSHING HARD ON VOLUNTARY CONTRIBUTIONS FROM  
GOVERNMENTS AND PRIVATE GROUPS TO FILL THE GAP.

BY THE END OF 1994, THE U.S. GOVERNMENT WILL HAVE  
PROVIDED ABOUT \$12 MILLION IN MONEY, GOODS, AND SERVICES  
TO THE TRIBUNAL. OUR CONTRIBUTIONS INCLUDE:

A \$3 MILLION VOLUNTARY CONTRIBUTION.  
SLIGHTLY MORE THAN HALF OF THIS CONTRIBUTION  
WILL BE USED TO PURCHASE COMPUTERS FOR THE  
PROSECUTOR'S OFFICE; THE REST WILL FINANCE  
INVESTIGATIONS, UNLESS THE PROSECUTOR ASKS THAT  
THAT AMOUNT BE USED FOR ANOTHER PURPOSE.

22 U.S. GOVERNMENT EMPLOYEES {PROSECUTORS,  
INVESTIGATORS, AND REGIONAL EXPERTS}, DETAILED  
TO THE TRIBUNAL AT A COST TO THE U.S.  
GOVERNMENT OF UP TO \$6 MILLION THIS YEAR.

SECRET

PAGE 05 STATE 234513 302319Z

OUR ASSESSED PORTION OF THE \$11.5 MILLION  
U.N. BUDGET FOR THIS YEAR (ABOUT \$3 MILLION).

ROUGHLY \$300,000 IN MATERIAL AND SERVICES FOR  
MASS GRAVE EXHUMATIONS.

WE ARE WILLING TO CONSIDER REQUESTS FOR ADDITIONAL  
PERSONNEL AND SERVICES. WE ARE IN CONTINUAL CONTACT  
WITH THE PROSECUTOR'S OFFICE, TO DETERMINE WHAT

UNCLASSIFIED

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ADDITIONAL CONTRIBUTIONS OF GOODS AND SERVICES MIGHT  
NEED. THE PRESIDENT HAS A \$25 MILLION DRAWDOWN  
AUTHORITY, AUTHORIZED BY CONGRESS, WHICH HE CAN USE TO  
PROVIDE ADDITIONAL GOODS AND SERVICES TO THE TRIBUNAL.  
{THE PRESIDENT ALREADY DIRECTED THAT \$6 MILLION OF THIS

DRAWDOWN AUTHORITY BE ALLOCATED TO COVER THE COSTS OF  
U.S. PERSONNEL DETAILED TO THE TRIBUNAL.}

THE U.S. CONTRIBUTION FAR EXCEEDS THAT MADE BY ANY  
OTHER GOVERNMENT.

{2} BOSNIA: A DRAFT CABLE FROM STATE TO USUN, WHICH  
WOULD HAVE DIRECTED USUN TO ASK VORONTSOV FOR A DETAILED  
READ-OUT ON THE KOZYREV-MILOSEVIC DISCUSSIONS AND STATED  
OUR INTENTION TO TABLE THE TIGHTENING RESOLUTION  
QUICKLY, WAS KILLED LATE IN THE AFTERNOON. SKIP WILL  
CONTACT VORONTSOV ANYWAY AT TARNOFF'S SUGGESTION. {SEE  
USUN CABLE TO YOU.} AS I REPORTED EARLIER, KOZYREV IS  
MEETING WITH THE GERMANS. EMBASSY MOSCOW REPORTS KOZYREV  
SAYING THAT MILOSEVIC FEELS HE CAN GET BOSNIAN SERB  
AGREEMENT TO THE PLAN BUT IT MIGHT TAKE MONTHS, THE

SECRET

PAGE 06 STATE 234513 302319Z  
RUSSIANS WANT SYMBOLIC GESTURES {OPENING BELGRAD AIRPORT  
TO CIVILIANS, STARTING CULTURAL AND SPORTS CONTACTS} TO  
SHOW SUPPORT FOR MILOSEVIC, AND THAT KOZYREV MAY CALL  
TALBOTT.

I AM ATTENDING A WEDNESDAY MORNING MEETING WITH TALBOTT  
ON BOSNIA, AND PRESUME THAT TOPICS WILL INCLUDE THE  
TIGHTENING RESOLUTION AND THE LIFT OPTION. I'LL BE  
REVIEWING PAPERWORK FROM STATE AND DOD ON THE LATTER  
TONIGHT.

OSD AND JCS ARE WORKING ON A RECOMMENDATION TODAY TO  
ALLOW THE ZAGREB MASH UNIT TO DEPLOY TO HELP BIHAC  
REFUGEES.

{3} CUBA: THE N.Y. MEETING IS NOW SCHEDULED FOR  
THURSDAY MORNING. THE DELEGATION LIST FOR CUBA CONSISTS  
OF THE CHAIRMAN OF ANPP, THE CHIEF OF AMERICAN AFFAIRS,  
PCC, THE CHIEF OF NORTH AMERICAN DEPARTMENT, MINREX, THE  
LEGAL ADVISOR OF MFA, AND A FEW OTHERS.

{4} MENEM: I SPOKE WITH SUSAN RICE THIS MORNING. SHE  
SAID THE GENERAL VIEW HAD BEEN TO MINIMIZE LATINS  
BECAUSE OF THE FORTHCOMING SUMMIT OF THE AMERICAS. NOR

UNCLASSIFIED

DID ARA RECOMMEND MENEM. THERE IS AN EFFORT TO GET A  
MIDDLE EAST MEETING ON TO HIS SCHEDULE, BUT NSC WANTS TO  
BUMP THAT FOR A MEETING WITH CONTRIBUTORS TO THE HAITI  
MNF. IF ARGENTINA JOINS PHASE ONE, CLINTON WOULD SEE  
HIM AT THAT MEETING. IF SUCH A HAITI MEETING IS HELD,  
AND ARGENTINA DOES NOT JOIN PHASE ONE, THEN IT WOULD BE  
AWKWARD FOR CLINTON TO SEE MENEM SEPARATELY. ARGENTINA  
SECRET

PAGE 07 STATE 234513 302319Z  
SO FAR HAS COMMITTED TWO SHIPS TO PHASE ONE, SO THEY ARE  
PART OF THE COALITION. NONETHELESS, SUSAN SAID SHE WOULD  
WORK ON THE JOG IDEA. WILL KEEP YOU POSTED.

{5} WAR CRIMES: THE RWANDA DETENTION RESOLUTION  
INSTRUCTIONS ARE NOW IN INTER-AGENCY CLEARANCE, HAVING  
GOTTEN STATE-WIDE CLEARANCE. I WILL BE CO-CHAIRING A  
RWANDA WAR CRIMES IWG TOMORROW AFTERNOON.  
JIM O'BRIEN AND I ATTENDED A BRIEFING AT THE AGENCY  
TODAY ON BOSNIA WAR CRIMES AND THE LONG-AWAITED ETHNIC  
CLEANSING REPORT, WHICH WILL BE BRIEFED TO GOLDSTONE IN  
MID-SEPTEMBER AND THEN SUBMITTED TO THE TRIBUNAL SHORTLY  
THEREAFTER {ASSUMING WE GET THE TRIBUNAL RULES AMENDED  
TO PERMIT SUBMISSION OF SUCH CLASSIFIED INFORMATION}.  
250 MORE U.S.-GENERATED REFUGEE REPORTS WERE SUBMITTED  
TO THE TRIBUNAL LAST WEEK, FOR A TOTAL NOW OF ABOUT  
750. MORE ARE BEING DECLASSIFIED.

AMBASSADOR SACIRBEY AND THE BOSNIAN AMBASSADOR TO  
THE UNITED STATES WILL BE VISITING ME TOMORROW AT NOON  
TO DISCUSS THE WAR CRIMES TRIBUNAL AS HE PREVIOUSLY  
SUGGESTED TO MKA. JIM O'BRIEN AND LAURA WILL JOIN ME  
FOR THAT MEETING.

THE NEW YORK TIMES RAN A LENGTHY ARTICLE TODAY ON  
INTENSIFIED ETHNIC CLEANSING OF MUSLIMS IN NORTHEAST  
BOSNIA.

{6} NAGORNO-KARABAKH: PLEASE MAKE SURE TO READ US  
VIENNA CABLE 02536, OF 30 AUGUST WHICH THE EMBASSY  
SECRET

PAGE 08 STATE 234513 302319Z  
SHOULD BE ABLE TO MAKE AVAILABLE TO YOU PRIOR TO YOUR  
DEPARTURE FOR MOLDOVA. IT CONTAINS A VERY IMPORTANT  
UPDATE ON ELIASSEN'S TRIP.

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{7} DISCUSSIONS CONTINUE IN GENEVA UNCLASSIFIED  
GEORGIAN CONSTITUTION. BRUNNER INSISTS ON A FEDERATION,  
RUSSIAN DEFORMIN SAYS MOSCOW WANTS AN "ASYMMETRICAL  
FEDERATION", TREATING ABKHAZ, SOUTH OSSETIA, AND AJARAN  
AUTONOMIES DIFFERENTLY, THE UN/RUSSIAN OPTIONS PAPER  
WILL BE RECEIVED BY THE GEORGIAN AND ABKHAZIAN  
REPRESENTATIVES TOMORROW.

INTERNAL ANALYSIS THEORIZES THAT MOSCOW MAY BE  
TRYING TO BALANCE ABKHAZ INSISTENCE ON EQUAL STATUS IN A  
CONFEDERATION WHILE PLACATING GEORGIA WITH A WEAKLY  
AUTONOMOUS SOUTH OSSETIA. TBILISI WILL NOT ACCEPT A  
CONFEDERATION OF COEQUALS, ALTHOUGH PRIVATE COMMENTS  
FROM GEORGIAN OFFICIALS INDICATE THEY WOULD ACCEPT A  
FEDERATION. DESPITE RUSSIAN PRESSURE, THE PROSPECTS FOR  
GETTING A POLITICAL SOLUTION IN GENEVA LOOK DIM.

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